

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

SCHMAUDER & PARTNER AG
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CH-8038 Zurich
Switzerland

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PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing
(day/month/year) 24.03.2005

Applicant's or agent's file reference
P-7108 02

IMPORTANT NOTIFICATION

International application No.
PCT/CH2004/000336

International filing date (day/month/year)
03.06.2004

Priority date (day/month/year)
19.06.2003

Applicant
TEXTILMA AG et al.

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1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The Applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purpose of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purpose of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA



European Patent Office
D-80298 Munich
Tel. + 49 89 2399 - 0, Tx: 523656 epmu d
Fax: + 49 - 89 2399 - 4465

Authorized officer

Abadie, N
Tel. +49 89 2399-2746



PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P-7108 02	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/CH2004/000336	International filing date (day/month/year) 03.06.2004	Priority date (day/month/year) 19.06.2003
International Patent Classification (IPC) or national classification and IPC D04B21/20		
Applicant TEXTILMA AG et al.		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement according to Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 25.11.2004	Date of completion of this report 24.03.2005
Name and mailing address of the IPEA  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0, Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Louter, P Telephone No. +49 89 2399-2063 

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITYInternational application No.
PCT/CH2004/000336**Box No. I. Basis of the report**

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b)).
 - ☐ publication of the international application (under Rule 12.4).
 - ☐ international preliminary examination (under Rule 55.2 and/or 55.3).
2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation according to Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

Description, pages

2-5 as originally filed

1, 1a received on 25.11.2004 with the letter of 23.11.2004

Claims, No.

1-3 as originally filed

Drawings, sheets

1/2-2/2 as originally filed

- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/fig
 - ☐ the sequence listing (specify):
 - ☐ any table(s) related to sequence listing (specify):
4. ☐ This report has been as established as if (some of) the amendments annexed to this report and listed below has not been made, since they have been considered to go beyond the disclosure as filed, as is indicated in the Supplemental Box (Rule 70.2(c)):
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/fig
 - ☐ the sequence listing (specify):
 - ☐ any table(s) related to sequence listing (specify):

* If item 4 applied, some or all of those sheets may be marked "superseded."

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**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No. PCT/CH2004/000336

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Yes:	Claims	1-3
	No:	Claims	
Inventive Step (IS)	Yes:	Claims	1-3
	No:	Claims	
Industrial Applicability (IA)	Yes:	Claims	1-3
	No:	Claims	

2. Citations and explanations**see separate sheet****BEST AVAILABLE COPY**

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY - SEPARATE SHEET**

International application No. PCT/CH2004/000336

According to information from the applicant, a knitting machine with a weft bar and a control device according to the preamble of claim 1 are known.

The object on which the invention is based is to prevent faults, such as thread breaks and flaws, and to improve pattern formation.

According to claim 1, this object is achieved, in particular, in that the control device has control means in order to set the delivery length of the weft thread to be supplied according to the travel of the weft bar, said travel being predetermined from the pattern program.

According to D1, the take-down speed of a thread is controlled as a function of the position of a carriage. In particular, data stored with regard to specific positions of the carriage and the position of the main shaft of the knitting machine are used for this purpose. The carriage is not a weft bar and also cannot be compared with this, since this carriage brings the weft thread to a transport carriage, not to a knitting needle for laying. The delivery length of the weft thread is also not set according to a carriage travel predetermined from a pattern program. These features are therefore neither known from nor suggested by D1.

The subject of claim 1 is functionable and producible and is therefore also deemed commercially applicable.

Claim 1 consequently fulfils the requirements as regards novelty, inventive activity and commercial applicability of Article 33 (2) to (4) PCT.

The dependent claims 2 and 3 contain advantageous and not self-evident developments of the method as claimed in claim 1 and therefore likewise fulfill the requirements as regards novelty, inventive activity and commercial applicability of Article 33 (2) to (4) PCT.

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